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Paper No. 32

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COPY MAILED

JUN 20 2002

In re Application of
Katherine Gordon and Suzanne Groet
Application No. 07/839,194
Filed: February 20, 1992
Attorney Docket No. IG5-4.4
Title: TRANSGENIC ANIMALS SECRETING
DESIRED PROTEINS INTO MILK

OFFICE OF PETITIONS
DECISION ON RENEWED PETITION

This is a decision on the renewed petition filed on February 8, 2002¹, pursuant to 37 C.F.R. §1.137(b)², to revive the above-identified application.

The renewed petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

The above-identified application became abandoned for failure to reply to the final office action, mailed on January 30, 2001, which set a period for reply of three (3) months. No reply was received. Furthermore, no extensions of time were received. Accordingly, the above-identified application became abandoned on May 1, 2001. A Notice of abandonment was mailed on April 5, 2002.

The original petition, received on September 6, 2001, was dismissed by a decision mailed on November 6, 2001, for failure to submit a terminal disclaimer.

With the instant petition, the petitioner has submitted a terminal disclaimer. Unfortunately, the terminal disclaimer does not contain the necessary language. Specifically, the terminal disclaimer fails to set forth the appropriate term. Consequently, this petition cannot be granted. Terminal Disclaimer form PTO/SB/63 has been enclosed for petitioner's convenience. It is recommended that this form be used on second renewed petition to avoid further deficiencies.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, DC 20231

¹ The petition contains a certificate of mailing dated January 3, 2002.

² A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries specific to this decision should be directed to Petitions Attorney Paul Shanowski at (703) 305-0011.



Paul Shanowski
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Encl.: Form PTO/SB/63
Summary of the Privacy Act of 1974